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Human Rights Council
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10-28 September 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Al-khoei Foundation, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[14 August 2018]

* Issued as received, in the language(s) of submission only.

GE.18-14470(E)
1814470

Please recycle

Al-Khoei Foundation written statement to the Human Rights Council's 39th Session, September 2018

Al-Khoei Foundation is an international charitable organization which has been in General Consultative Status with the Economic and Social Council since 1998. The Foundation strives to promote the values of equality, tolerance, respect and justice for all groups and minorities worldwide, and actively supports all initiatives that foster peaceful co-existence and friendship between different religious and non-religious groups. We work at the local, national and international levels for the education and welfare of the Muslim community with a focus to promote the empowerment of women, children and youth. The Foundation also works to improve and highlight issues that pose a severe threat to human rights with the help of our network of activists and community workers.

Our statement is focused on the violations and human right abuses against children. According to a report by the global charity, approximately 357 million children are present in conflict areas and are prone to violence, abuse and death. It is distressing to see that children are being targeted and affected by the conflicts and as a result, the world has become a more dangerous place for children. We can see that schools, tuition centres, hospitals, recreational spots are specifically being targeted. Children are being used as human shields, as suicide bombers, they are the victims of sexual abuse and torture; they are the refugees who lose their parents, homes and their lives. Children are being enslaved, detained, being given drugs. Tragically, children are more at risk now than ever before.

Al-Khoei Foundation has been highlighting the war crimes and the violations of international human rights, specifically against the children and women.

Children in Yemen

Thursday 9th August proved a horrific day as a bus of children, ages between 6 to 11 returning from a picnic, was hit because of a Saudi lead coalition attack that took lives of 51 human beings including 40 children. The day when the small coffins were brought together for the collective farewell prayer was the most tragic day for Yemen. "There was body parts and blood everywhere", said a young survivor. This was not the first attack that targeted the children directly. According to reports and multiple sources, at least 19 schools and five hospitals were attacked in the same military actions.

Children in Afghanistan

According to a UNICEF report, around 3.7 million aged between 7 and 17 years old are out of school and 2.1 million aged between 6 and 14 are the victims of child labour, in Afghanistan. Afghani children have been suffering for four decades now.

The year 2018 proved the most catastrophic. There was an attack during the Nawruz celebration where a Shia mosque was bombed, attacks in Herat, airstrikes on a madrassah that resulted in 30 deaths of Children, attacks on schools and a very recent suicide attack on a tuition centre in Kabul that killed 48 students and injured 67 students. These events show how hard life in Afghanistan is for the people in general and especially for the children. "It was horrific and many of the students were torn to pieces", as stated by an eye witness of the blast. So many children are detained and are abused, sexually tortured and mistreated. Children are also suffering heavily because of the policies imposed on them by the elders.

Children in Rohingya

60% of the 50000 Rohingyas in Bangladesh are children and the majority living in refugee camps are under 18. According to a report by Save the Children, 48000 babies are expected to be born in already overcrowded refugee camps in Bangladesh. These children have seen the barbaric crimes, have suffered the brutality, violence, abuse, have seen their family members killed and their homes burnt, are now living in a state of extreme fear. A 12-year-old boy explains; "we live a captive life here. There is not enough space for us to play. We cannot do anything we want to do." The camps are not safe for the children, the girls face harassment inside the camps, and the boys have reported abuses and violence against them by the local men as well as the thieves and wild animals. Incidents of child trafficking have also surfaced, and it is also a major concern for the children and their guardians.

Children in Iraq

During the war, many people had to leave their homes and hometowns due to the fear of persecution at the hands of ISIS. As a result, hundreds of thousands of people had faced internal displacement. Although ISIS has been defeated in Iraq, the humanitarian disaster the country faces is huge. Today's Iraq faces the worst humanitarian crises and the most affected are children.

The children suffer from Post-Traumatic Stress Disorder; have malnutrition and the lack of health facilities doubles the risk of death. "Both living under Isis and during the coalition offensive, these children have experienced things no child should have to. They have extreme emotional as well as physical scars," according to Save the Children's Mr Bhatnagar. Due to the lack of international aid and how Iraq crises is ignored by the media, the children are forced to live under extreme poverty. The children are often orphans or have to care for parents who have severe diseases. For this reason, they have no means of education and health and so suffer from malnutrition. Furthermore, as a result of these circumstances children are not free to enjoy themselves and must work to support their families and so child labour is increasing. It is reported that the ISIS fighters have not completely disappeared, which indicates that the children may continue to face abuse and violence.

Al-Khoei Foundation's initiative for widows and orphans, 'Al-Kawthar project' has been trying to support the victims of war and working on ground to providing short-term relief to fulfil the immediate needs of the families. This includes medical care, food supplies, clothes and other items, as well as long term assistance by providing funding for education for orphans and micro-finance for widows to empower them. Al-Kawther also offers scholarships schemes that allow individuals to sponsor orphans.

Al-Khoei Foundation appeal to the UNHRC and the international community is to take necessary actions to improve the living conditions for the children, so they are able to live in a fear free environment with the basic safety and necessities, that include health and education. The world needs to take measures that stop and prevent violations against children.

The hijacking of human rights by conservatives and religious fundamentalists

Introduction

With this statement, the European Humanist Federation would like to raise the Human Rights Council's attention on a worrying trend that has been happening in several countries in Europe and at the regional and international level. Our organisation is deeply concerned to see that various fundamental rights are being hijacked by conservative and extremist groups and governments with the aim of undermining other people's rights and freedoms.

Several key rights have been reframed with a highly conservative meaning and this has started to seriously impact minorities' rights, namely women, LGBTI1 people and non-believers. This statement aims at giving few examples of this growing reality.

Freedom of thought, conscience and religion

Freedom of thought, conscience and religion refers to the right to have or to adopt a religion or belief of one's choice, and freedom, either individually or in community with others and in public or private, to manifest one's religion or belief in worship, observance, practice and teaching. It also includes to right not to have a religion or belief and to change or abandon a belief, as confirmed in General Comment N° 22 of the United Nations Human Rights Committee.

However, this right has been increasingly reframed in "religious freedom" by people who hold extremist religious views and who try to impose these views on others and in policy-making. "Religious freedom" has been used to demand a right to discriminate against people with different beliefs, those who are nonbelievers, or other individuals based on their gender or sexual orientation. In the area of sexual and reproductive rights, "religious freedom" and "freedom of conscience" have been extensively used to deny women's access to legal contraception and abortion. In Italy, Poland or Greece, this has led to dramatic situations, forcing numerous women to seek terminations abroad, or even to have underground abortions in their country.

We would like to remind that freedom of thought, conscience and religion is an absolute right but that its manifestation is not. As stated in Article 18 of the International Covenant on Civil and Political Rights (ICCPR), the freedom to manifest one's religion or beliefs may be subject to limitations by law when they are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

The right to life

Human rights begin at birth. So does the right to life. The international community has made it clear despite repeated calls from organised religions and anti-human rights groups to impose a conservative definition of this right. In a number of countries and in various European and international institutions, including the United Nations, several attempts to impose the protection of life from conception have been implemented in an effort to undermine and oppose women's and girls' sexual and reproductive rights.

As recalled by the United Nations Working Group on Discrimination against Women in Law and in Practice on 22 June 2018, women's sexual and reproductive rights are facing a strong global pushback from an alliance of conservative political ideologies and religious fundamentalisms2.
It is therefore crucial to recall that a prenatal conception of the right to life dramatically undermines women's health, life, and, amongst others, their right to privacy and to non-discrimination. This is the position of the United Nations Human Rights Committee which rejected amendments proposing to apply the right to life before birth during the drafting of the International Covenant on Civil and Political Rights 3. It has also been clearly recalled by the Human Rights Committee in its draft general comment N° 36 on Article 6 on the right to life: "States parties must provide safe access to abortion to protect the life and health of pregnant women". As a consequence, "measures [designated to

1 Lesbian, Gay, Bisexual, Transgender and Intersex

2 HRC 38th 14/05/2018 A/HRC/38/46 Report of the Working Group on the issue of discrimination against Women in law and in practice - Note by the Secretariat

3 "Human Rights Begin at Birth: International Law and the Claim of Fetal Rights", Reproductive Health Matters 2005

regulate terminations of pregnancy] must not result in violation of the right to life of a pregnant woman or her other rights under the Covenant, including the prohibition against cruel, inhuman and degrading treatment or punishment."4

Marriage, family and children's rights

The definition of 'family' has become highly political and has been used by some to oppose the rights of LGBTI people and women's and men's sexual and reproductive rights. Anti-human rights groups and movements have been trying to prevent and/or reverse equal treatment of non-traditional families, by promoting a very narrow concept of family, namely father, mother and their biological children, as the only "natural" and "acceptable" form of a family.

In Croatia, Slovenia, Slovakia, Romania and France amongst others, citizen initiatives were launched by "anti-gender" movements to organise referenda with the objective of either restricting marriage to a union between a woman and a man or halting progressive legislations that would guarantee the same rights for all forms of families. In their argumentation, these initiatives have referred to a supposed "Natural law" that would only allow heterosexual love and reproductive unions. The argumentation goes on with the idea that only this type of union would provide a safe space for children to grow up in, although this has no scientific grounds. On the contrary, sociological and psychological research on same-sex families has demonstrated that the sexual orientation of parents, their gender or their number are not decisive factors, but rather the quality of their parental role.

Such an attempt to narrow the concept of family to a dogmatic idea, is not only an attack on the rights of same sex couples and on sexual and reproductive rights, but is offensive and discriminatory towards families in all their forms, such as single parents, foster families, patchwork/stepparents families. Different household structures and family forms have always existed and exit across the world. Legislations worldwide should ensure the respect and protection of the human rights and wellbeing of all individuals within families and households, without discrimination based on the form of the family in question. Policy and legislation should foster healthy, loving and resilient families, regardless of their composition.

Conclusions

Reframing language is a tactic increasingly used by conservatives and religious fundamentalists to implant unjust and discriminatory concepts into public policy debates by using words that seem to represent agreed concepts, but hide another agenda.

We call upon the Human Rights Council to actively oppose this trend and to remind governments with the correct and internationally agreed definition of the following key fundamental rights.

Freedom of thought, conscience and religion is not a license to discriminate or to circumvent legislations and may be subject to limitations so as to protect the rights and freedoms of others.

The right to life applies after birth and protects individuals, especially women from harmful practices including those regarding their sexual and reproductive health. Therefore, safe and legal abortion is not only compatible with the protection of the right to life of women, but is very much needed to such a purpose.
As agreed in 1994 during the International Year of Family by academic experts and widely recognised by the international community, family is defined in an inclusive way so as to respect and protect its different forms and compositions: "A family is a union of a child / children and one or more adults, who care for this child."

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4 Human Rights Committee General comment No. 36 on article 6 of the International Covenant on Civil and Political Rights, on the right to life* ,** Revised draft prepared by the Rapporteur, paragraph 9, page 2.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Liberation, a non-governmental organization on roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Arbitrary detention – Chandrashekhar Azad Clustered Interactive Dialogue with Working on Arbitrary Detention

This is a statement prepared for Clustered Interactive Dialogue with Working on Arbitrary Detention under Agenda Item 3, "Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development."

We welcome the Report of the Working Group on Arbitrary Detention (A/HRC/39/45) submitted to the 39th session of the Human Rights Council (HRC). The report indicates that many states are not responding to opinions and urgent appeals of the working group. It is at this background that in its recommendations, the Working Group calls for increased cooperation from States, with a view to preventing and ending arbitrary detention, especially in following regards – 1. in relation to its requests for country visits. 2. in relation to their responses to its urgent appeals and 3. communications, and for the enforcement of its opinions.

We strongly argue that India should work urgently on these recommendations. Attacks on minorities, dalits, indigenous peoples is on increase. Right wing fanatical groups are becoming more powerful. Sadly they are being backed by Central and in some cases by state governments directly in form of passing legislations or through protecting the perpetrators. There is one more danger faced by these already exploited communities. Those who are working to protect economical, educational, social and all other human rights of these marginalised sections are facing arbitrary detentions, extra judicial executions and enforced disappearances especially under the cover of administrative laws.

It is not that this legalised attack on human rights defenders is new. Many people from states like Assam, Manipur and all other north-eastern states, Kashmir, Punjab have faced these attacks for long. But since past 3-4 years, there is increase on miss use of law. Measures such as UAPA, PSA, POTA etc have transitioned from being exceptional measures for exceptional situations, to extraordinary measures for ordinary situations. These laws have come to function as, what the Supreme Court calls, a parallel system of "lawless laws"[1].

We are particularly concerned about arbitrary detentions and encroachments over liberty of human rights defenders belonging to schedule castes. Peaceful protesters are getting booked under serious offences like attempt of murder. But when human rights defenders are getting attacked by racist forces, the authorities are taking time to file complaints and are also trying to dilute the charges against racist majority perpetrators.

Arrest of Mr. Chandrashekhar Azad who is also known as Raavan. D\demonstrates how the administrative detention is affecting human rights defenders. He is facing the detention for last more than an year. He was arrested on June 8, 2017. Currently booked under Nastional Security Act (NSA). Mr. Azad is human rights defender from Dalit (schedule castes) community fighting mainly against atrocities on dalit community. He is very young and educated and has huge following. His organisation runs parallel informal schools for children from marginalised communities so as to reduce the high drop-out rate in formal education. In his case it is clearly evident that NSA is nothing but an intimidation tactic used by government to suppress dissent. Laws like NSA are thus lawless because they perversely invert the very basis of a justice system and presume guilt until proven innocent. It is this conflation that makes the conduct of the preventive detention law a travesty of justice itself.

In above mentioned case, the racist majority people who attacked dalits, marginalised community in Saharanpur, Uttar Pradesh, India are walking free and the one who raised the voice against these attacks is behind bars. Ironically the government of Uttar Pradesh state claims that Mr. Azad would trigger a caste violence, if freed.

International covenant on civil and political rights to which India has ratified in 1979, declares that everyone has right to liberty, through article 9. It clearly says that no one should be subjected to arbitrary detention. It is time that India should be reminded about its responsibility as per the covenant.

Through this statement we want to express that India should release Mr. Azad immediately; ratify to the convention against torture and other cruel, inhuman or degrading treatment or punishment and the international Convention for the Protection of All Persons from Enforced Disappearance as recommended by states like Kazakhstan, Japan, Greece, Ukraine etc to India in its 3rd UPR cycle; India should repeal AFSPA immediately, as it gives authority to defence

1 Supreme Court of India, Jaya Mala v. Home Secretary, Government of Jammu & Kashmir (29 July 1982). Available from https://indiankanoon.org/doc/203168/.

forces for arbitrary detention and in a way, promotes enforced disappearances; and finally it should accept the request of Working Group on arbitrary detention for country visit which is pending since 6th April 2017.

It is our humble request to the Working Group on Arbitrary Detention to consider Mr. Azad's case as urgent concern. Civil society organisations have already filed the complaint under special procedures regarding this but we are waiting for any concrete action from the Human Rights Council.

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Follow-up to and implementation of the Vienna Declaration and Programme of Action

Written statement* submitted by the World Barua Organization, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Follow-up and implementation of the Vienna Declaration and Programme of Action

Rights of indigenous people are threatened by cultural, social and economic encroachment by majority people. Indigenous communities are compelled to pay the cost of development and the community itself is left out of development. To address this growing concern Vienna declaration elaborately speaks about protection of rights of indigenous peoples it says,

"Considering the importance of the promotion and protection of the rights of indigenous people, and the contribution of such promotion and protection to the political and social stability of the States in which such people live, States should, in accordance with international law, take concerted positive steps to ensure respect for all human rights and fundamental freedoms of indigenous people, on the basis of equality and non-discrimination, and recognize the value and diversity of their distinct identities, cultures and social organization."

It is prime responsibility of every state to abide by this declaration. We want to draw attention of this council through this written statement to the situation of indigenous peoples from North Eastern part of India.

Dear Council members, currently, issue of National Registry of Citizenship (NRC) in Assam is in focus in India. It is widely debated in Parliament and outside. NRC was long standing demand of indigenous Assamees since long. Somehow, indigenous groups working in Assam succeeded in pressurizing the government to start and then expedite the process. But sadly the whole issue has attracted another debate revolving around religious grounds. There are vested political interests of ruling political party, and many of the opposition parties too, in taking the issue in the battlefield of religious conflicts. Basically, indigenous peoples are not against any particular religion or religious minorities. NRC was one of the ways to protect their own identity, culture and economic stability. Its importance and how it has no connection with religious conflict is explained below.

Concerns of the Indigenous people of Assam:

1. It is extremely easy for illegal immigrants to create a false identity because of their cultural proximity with India, which is further bolstered with false documentation which can be attained for as little as Rs.200-300(US$ 3).
2. Through NRC, genuine citizens can hence be readily identified.
3. Politically the illegal immigrants are in a position to influence the results of the election in Assam, with the number of Assamese speakers decreasing in another 7 districts: Barpeta, Darrang, Sonitpur, Morigaon, Lakhimpur, Dhemaji, Bongaigaon. The official language in the Barak valley region (made up of three districts) of the state of Assam is Bengali since it is largely dominated by Bengali speaking illegal immigrants.
4. There has been internal displacement in most of the abovementioned districts due to the continuous influx of illegal immigrants and the cultural, political and socio-economic threat it creates for the indigenous people of Assam.
5. According to the census of 2001, the Assamese indigenous people made up only 48% of the total population of Assam. A majority of the rest of the population is made up of illegal immigrants. The NRC is thus crucial to identify these illegal immigrants. For reference, one can examine the state of the Tripuri indigenous people, who had been forced to allow illegal immigrants from the neighbouring country to settle in Tripura, which led to the eventual demise of their majority status.
6. There are expected to be further conflicts if the Citizenship (Amendment) Bill 2016 is passed by the Central Government of India. It aims to grant citizenship to those illegal immigrants who have suffered religious persecution in the neighboring countries. This will allow close to 8 million illegal immigrants to be citizens of India, residing in Assam.
7. Due to the high number of illegal immigrants in the Barak valley region of Assam in India, the voices of the indigenous people have been subdued politically. Even though they do not want the Citizenship (Amendment) Bill 2016 to be passed, the dominant community's (consisting mostly of illegal immigrants) opinion to pass the bill has been recognized by the Central government of India.
8. The lower parts of the Brahmaputra valley experiences an annual influx of an estimated 300,000 illegal immigrants; mostly entering Assam in search of cultivable land. Due to this, the Muslim population has significantly increased- in some districts the illegal Muslims make up 79% of the population (Dhubri state, census 2011). There are fear amongst the natives of forceful conversion as has been the case for many indigenous communities of Bangladesh.

9. Historically, there have been attempts to forcefully assimilate Assam and much of North-east India with Bangladesh/East Pakistan, with the unabated flow of illegal immigrants and their growing numbers in many districts of Assam and the whole of Tripura, those fears of forceful assimilation have resurfaced. There is a possibility of the states with a majority of illegal immigrants demanding to be integrated with Bangladesh.

Illegal immigration must be treated as a national issue rather than a regional issue. There have been reports of illegal immigrants entering India through Assam and travelling as far as Mumbai and Delhi in search of a more promising life. The indigenous people of Assam believe that a permanent solution can be reached to the decades old problem of illegal immigration in Assam. The root causes of this problem must be addressed along with identifying the illegal population. Assistance to countries neighbouring India, in particular Assam, in economic development is crucial, not just for India but for the international community. Raising awareness about the importance of family planning, tolerance among religious communities, empowerment of women workforce are ways that can refrain immigrants from choosing to make the treacherous transition into India in search of a better life. In addition, the government of India has to execute its promises of strengthening the border.

We request this council, special rapporteur on minorities, special rapporteur on rights of indigenous peoples and working group on indigenous peoples to take appropriate measures to ensure protection of rights of indigenous peoples from India as guaranteed in Vienna declaration.

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Human rights situations that require the Council's attention

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), the International-Lawyers.Org and the United Towns Agency for North-South Cooperation, non-governmental organizations in special consultative status, and the International Educational Development, Inc. and the World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2018]

* Issued as received, in the language(s) of submission only.

The Context of the Conflict in the Democratic Republic of Congo (DRC)••

The violence perpetrated in the Democratic Republic of Congo (DRC) is a direct response to the political clashes and governmental repression resulting in President Joseph Kabila's unwillingness to respect the constitutional two-term mandate which was supposed to end on December 19, 20161. Actually, political elections and the process by which former presidents have taken power have always been undemocratic and preceded and followed by violence. Joseph Désiré Mobutu took power in 1965 after a military coup against Joseph Kasa Vubu. He stayed in power until 1971 and was followed by two other auto proclaimed presidents: Mobutu Sese Seko held power for 32 years and was overthrown by opposition rebels while Laurent-Désiré Kabila was assassinated in 2001 by a bodyguard. January 17, 2001, marked the beginning of Joseph Kabila's presidency and lasted for two terms.

Before and during his presidency millions in Eastern Congo witnessed between 1996 and 2003 increased violence, diseases and starvation which resulted in the death of millions of people. Furthermore, several opposition leaders and activists were detained in order to silence them and Kabila was accused of trafficking the 2011 elections. At the end of his second term and considering his inability to extend his mandate, Kabila generated widespread anger over which he is accused of twice delaying the elections that were supposed to take place in 2016.

Two years later, 8th of August 2018 marks the end of the suspense over Kabila's potential decision to run for a third term, however, he supports a member of his own party Emmanuel Ramazani Shadary's candidacy as the next president. His decision to step back can be explained by his lack of popularity (a poll made by the Congo Research Group established in March that 74% of DRC citizens wanted him to immediately step down) as well as bloody riots that took place these past months confirmed the poll results. Furthermore, the United States threatened both Kabila and his family with sanctions if he were to run again.

Numerous problems remain since Kabila is highly mistrusted due to his repeated broken promises and even if he does respect his decision, there are absolutely no insurances that the elections are going to be held in a free, fair and transparent manner. Two reasons behind this mistrust are the fact that voting machines are going to be used and thus makes the voting process less reliable. Secondly, opposition leaders have encountered several obstacles that might prevent them from running such as in the questionable eligibility of Jean-Pierre Bemba, the leader of a former rebel group that became a political party and who was formally accused of war crimes by the International Criminal Court. Moise Katumbi, former Kabila supporter was banned from entering the country for alleged charges.

The point being is that even if one of the opposition leaders wins the elections, it does not necessarily translate into peace. Prior to Kabila's presidency, violence was already part of Congolese's people daily life. Indeed, corruption, ethnic cleansing, tensions over resources, money laundering, embezzlements, grave human rights violations, repression, threats and illegal detentions and the list goes on. DRC has become one of the most expensive and long-lasting humanitarian crises. It is for the benefit of DRC people and for the international community to remedy this situation considering that more than eight countries are involved in DRC's politics and the formation of several armed forces has hindered the possibility of a democratic, unified and independent DRC. It is also the duty of the Human Rights Council, the General Assembly, and other relevant bodies to intervene to stop the systematic human rights abuses and hold perpetrators to account for their crimes.

The humanitarian crisis in DRC and the associated mandate

The humanitarian crisis in DRC has gravely affected civilians and the violence and human rights abuses continue to intensify and spread. By the end of June 2018, there were nearly 1,150 cases of cholera reported in the greater Kasai during this second outbreak of cholera since the start of the crisis in August 2016. Worse still, the reports have indicated that educational and medical facilities among others are being targeted which only further deteriorates the humanitarian situation and directly affects the lives of thousands of children.

Moreover, recent reports have also revealed that aid workers and asylum seekers have been the victims of shootings by Congolese soldiers in South Kivu. Targeting aid or humanitarian workers amounts to war crimes under the Statute of the International Criminal Court as such actions violate the Geneva Conventions of 12 August 1949, which protects aid workers under customary International Humanitarian Law (IHL).

1 Joseph Kabila was elected under the new constitution in 2006 and re-elected in 2011.

The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) was proceeded by MONUSCO on July 1, 2010, which is the United Nations Organization Stabilization Mission in DR Congo. Initially, Security Council Resolution 1925 established their mandate which has the mission "to use all necessary means to carry out its mandate relating, among other things, to the protection of civilians, humanitarian personnel and human rights defenders under imminent threat of physical violence and to support the Government of the DRC in its stabilization and peace consolidation efforts".

December 2017 marks the appointment of Ms. Leila Zerrougui as the Special Representative of the United Nations Secretary-General in the Democratic Republic of the Congo (DRC) and Head of MONUSCO whose role is to ensure "good offices in support of the political process and protecting civilian populations… full implementation of the 31 December Agreement" which guides the process of organizing elections, as well as the peaceful transfer of power.

Overall, the mandate's mission is to achieve a stable, democratic and peaceful DRC. Since April 2018, 20,600 personnel were deployed in this regard varying from civilians, police, experts on mission, contingent troop, staff officers and UN volunteers. However, technical and financial assistance is urgently needed especially in the short term and capacity-building is both crucial and necessary in order to accomplish this mission in the long-term.

The situation of children in DRC

A special attention must be drawn to the situation of children in DRC considering the extent of the violence committed against them and their level of vulnerability. We believe that it is unforgiveable for children to be victims of such grave violations.

According to the annual report of the Secretary-General on children and armed conflict of 2017, the fragmentation of armed groups and switching parties and ideologies have contributed to the degradation of the situation of children in the country. In fact, 1049 children were newly recruited and used by Kamuina Nsapu, Mai-Mai Mazembe, Nyatura, Raia Mutomboki and Mai-Mai Charles, FRPI, Nduma défense du Congo-Rénové (NDC-Rénové), Mai-Mai Yakutumba and Forces démocratiques de libération du Rwanda-Forces combatants abacunguzi (FDLR-FOCA). Further violations include 291 boys and 11 girls detained for one year for allegedly being associated with armed groups. 156 children were killed and 178 were maimed. Cases of rape and sexual violence against 179 girls and 2 boys. 396 attacks on schools and 119 attacks on hospitals. 143 girls, 277 boys, and 17 humanitarian personnel were abducted. Eight incidents of denial of humanitarian access. It is, however, fair to suppose that these statistics do not necessarily reflect the reality and we can easily assume higher numbers of violations considering the numerous active armed forces involved in the conflict within the country.

These statistics are extremely alarming; however, some progress was still achieved. For example, the FARDC did not manage to prevent sexual violence but it did manage to end and prevent the recruitment and use of children, which owed it to be delisted in 2017. Training of the National Security Forces to implement the action plan were conducted, as well as, the government taking initiatives in terms of discipline and accountability (helpline for victims around the country, military justice system used for cases of child recruitment and sexual violence).

Recommendations

To the government of the Democratic Republic of Congo

- *Conduct and hold* fair, transparent and free elections in December 2018;
- *Ensure* the protection of civilians in accordance with UNSCR 1925;
- *Comply* with International Humanitarian Law and International Law especially with respect to aid workers and children, as it is the part of the state's responsibility;
- *Ensure* that the training of the National Security Forces is efficient and effective and *extend* the training to any authority officer;
- *Monitor* the learning process of DRC authorities in accordance with International Humanitarian Law and Human Rights laws;
- *Allow* humanitarian access and guarantee safer and more peaceful protests as part of the freedom of expression and association.

To the Human Rights Council

- *Take measures to hold to account* Kabila's clan and any People's Party for Reconstruction and Democracy member for their part in any human rights violations;
- *Investigate* and *determine* the extent of stolen public funds and ensure its proper restitution;
- *Administer* all relevant and capable bodies and stakeholders to compensate the victims of human rights abuses;

- *Refer* to the International Criminal Court to hold accountable individuals responsible for grave human rights violations such as crimes against humanity and war crimes;
- Closely *monitor* the human rights situation prior to and after the December 2018 elections.

**Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, Human Rights Defenders (HRD), Association of Humanitarian Lawyers (AHL), NGOs without consultative status, also share the views expressed in this statement.

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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Pasumai Thaayagam Foundation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 August 2018]

* Issued as received, in the language(s) of submission only.

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1814474

Please recycle

Suggested Consequences for Failure to Implement Commitments on Accountability and Transitional Justice in Human Rights Council Resolution 30/1••

In May 2009 the civil war in Sri Lanka ended with a terrible price having been paid by all the island's inhabitants. We believe that the violations of human rights during that war, particularly its latter stages and those directed against the Tamil population, amount to war crimes and crimes against humanity and constitute the first mass atrocity of the 21rst century.

We aver that Sri Lanka itself must deal with the aftermath of the war, but that it is only with international pressure and assistance that this will be possible. That pressure cannot end without substantial progress being made or the circumstances that led to war will remain and Sri Lanka will continue to hold the faultlines of instability.

The UN Human Rights Council (HRC) must remain actively engaged in the process because commitments made through the HRC process have to be substantially met or other human rights abusers will take note.

The war in Sri Lanka did not end with a negotiated settlement, but with a military victory by the Government assisted by many states which believed the Government's assurances that reconciliation with the Tamil community would be accomplished, made in a joint statement with Secretary-General Ban Ki-moon during his visit in May 2009:

> President Rajapaksa and the Secretary-General agreed that addressing the aspirations and grievances of all communities and working towards **a lasting political solution** was fundamental to ensuring long-term socio-economic development. The Secretary-General welcomed the assurance of the President of Sri Lanka contained in his statement to Parliament… that a national solution **acceptable to all sections of people will be evolved**…
>
> Sri Lanka reiterated its strongest commitment to the promotion and protection of human rights… The Secretary-General underlined the importance of **an accountability process for addressing violations of international humanitarian and human rights law**.1

The 2015 Report of the OHCHR's Investigation on Sri Lanka (OISL Report) reported that, "The sheer number of allegations, their gravity, recurrence and the similarities in their *modus operandi*, as well as the consistent pattern of conduct they indicate, all point towards system crimes."2

In addition, the Report noted:

> While it has not always been possible to establish the identity of those responsible for these serious alleged violations, these findings demonstrate that there are reasonable grounds to believe that **gross violations of international human rights law, serious violations of international humanitarian law and international crimes** were committed by all parties during the period under investigation. Indeed, if established before a court of law, **many of these allegations would amount, depending on the circumstances, to war crimes and/or crimes against humanity. In many of these cases, these acts were apparently committed on discriminatory grounds.**
>
> These allegations should all be promptly, thoroughly and independently investigated, and **those responsible, directly or as commanders or superiors, brought to justice…** These findings also highlight the deeply rooted institutional structures and cultures involved and the **need for profound institutional change to address them in order to guarantee their non-recurrence.**3…
>
> In its report to the United Nations Secretary General in March 2011, the Panel of Experts concluded that "the Government's efforts, nearly two years after the end of the conflict "fall dramatically short of international standards on accountability and fail to satisfy Sri Lanka's

1 https://www.un.org/press/en/2009/sg2151.doc.htm Emphasis NOT in original.
2 Report of the OHCHR Investigation on Sri Lanka (OISL) (A/HRC/30/CRP.2) . p.219.
3 ibid.

> legal duties". It also concluded that **the Government had not conducted a genuine investigation, "nor shown signs of any intention to do so", and that its approach to accountability "does not correspond to basic international standards that emphasize truth, justice and reparations for victims"**.4

Tragically, now nearly ten years after the war, the situation has barely changed for the Tamil community. As a result of the OISL Report and the international persuasion it engendered, in 2015's unanimous Resolution 30/1 Sri Lanka committed to a transitional justice and accountability process that it reaffirmed with 2017's Resolution 34/1.

The Government's 25 key commitments in Resolution 30/1 covered a comprehensive range of transitional justice processes and mechanisms, including the meaningful consultation of victims and other stakeholders in planning and implementing all mechanisms5 and the establishment of 'judicial and non-judicial measures.'6 Such measures include 'inter alia, individual prosecutions, reparations, truth-seeking, institutional reform, the vetting of public employees and officials, or an appropriately conceived combination thereof, in order to, inter alia, ensure accountability, serve justice, provide victims with remedies, promote healing and reconciliation, establish independent oversight of the security system, restore confidence in the institutions of the State and promote the rule of law in accordance with international human rights law with a view to preventing the recurrence of violations and abuses.'7

Sri Lanka agreed to undertake security sector reform and legal reform, including constitutional reform to achieve a devolved political settlement, criminalization of atrocity crimes and enforced disappearances, and repeal of the Prevention of Terrorism Act (PTA).

On accountability, the Government agreed to 'establish a Judicial Mechanism with a Special Counsel to investigate allegations of violations and abuses of human rights and violations of international humanitarian law, as applicable; …and further affirms in this regard the importance of participation in a Sri Lankan judicial mechanism, including the Special Counsel's office, of Commonwealth and other foreign judges, defence lawyers, and authorized prosecutors and investigators.'8

In this September 2018 HRC session the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism presents the report of a July 2017 visit to Sri Lanka that notes:

> Yet, after a two-year extension granted to the Government in resolution 34/1, progress in achieving the key goals seems to have ground to a virtual halt. **None of the measures so far adopted to fulfill Sri Lanka's transitional justice commitments are adequate to ensure real progress.**
>
> **60.** The counter-terrorism apparatus is still tainted by the serious pattern of human rights violations that were systematically perpetrated under its authority. At the time of writing, the PTA remained on the statute book…The Tamil community remains stigmatized and disenfranchised, while the trust of other minority communities is being steadily eroded.
>
> **61.** Sri Lanka must urgently implement the commitments made in resolution 30/1 to address the legacy of widespread and serious human rights violations that occurred in the context of the internal armed conflict in the country. **The pervasive climate of impunity and the lack of accountability for serious human rights violations that occurred both during the conflict and in the aftermath requires immediate redress.**
>
> A failure address these issues promptly and effectively will provide fertile ground for those intent on resorting to political violence…9

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4 Report of the UN Secretary General's Panel of Experts on Accountability in Sri Lanka, 31 March 2011 from Report of the OHCHR Investigation on Sri Lanka (OISL) (A/HRC/30/CRP.2) , p.261. Emphasis NOT in original.

5 https://www.ohchr.org/EN/hrbodies/hrc/regularsessions/session30/pages/resdecstat.aspx . Preambular Paragraph #15. Emphasis NOT in original.

6 ibid.

7 ibid.

8 https://www.ohchr.org/EN/hrbodies/hrc/regularsessions/session30/pages/resdecstat.aspx . Operative Paragraph #16. Emphasis NOT in original.

9 https://www.ohchr.org/EN/Issues/Terrorism/Pages/Visits.aspx p.16

This session the Special Rapporteur on Transitional Justice will also give his report on Sri Lanka's progress – or lack thereof.

This session provides an opportunity for member states to make crystal clear that swift progress on Sri Lanka's commitments is required. We request that members of the HRC require that Sri Lanka provide a concrete plan with a timetable with clear benchmarks for progress during the September session and that the plan lays out steps to be taken before March 2019 and beyond.

In March 2019 action is required to keep Sri Lanka on the HRC agenda and to continue the HRC's monitoring function. We recommend a new resolution that continues to place Sri Lanka as an issue of concern for the High Commissioner under Item 2, continues to monitor Sri Lanka's progress on accountability and transitional justice, and lays out clear consequences if Sri Lanka fails to act.

By March 2019, if Sri Lanka has not made substantial progress, in addition to continued monitoring by the HRC and your office, the HRC and its member states should consider other consequences such as referring Sri Lanka to the General Assembly and the Security Council for the imposition of economic and military sanctions and either referral to the International Criminal Court or the establishment of a special criminal tribunal on Sri Lanka.

We urge member states to set up an office of the High Commissioner for Human Rights in Sri Lanka, with outposts throughout the country, along with remaining seized with Sri Lanka at the HRC themselves.

We urge member states themselves to deny visas to accused/alleged war criminals and to explore bilateral military and economic restrictions for non-compliance with the two HRC Resolutions. Furthermore, we urge the exercise of universal jurisdiction as recommended by the UN High Commissioner for Human Rights in 2017.

**British Tamils Forum (BTF) and US Tamil Political Action Council (USTPAC), NGOs without consultative status, also share the views expressed in this statement.

United Nations A/HRC/39/NGO/127

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Nepal: Government should amend Transitional Justice Act in line with Supreme Court and international standards

The Asian Legal Resource Centre (ALRC) wishes to draw the attention of the UN Human Rights Council to the lack of progress in Nepal's two transitional justice bodies. Nepal underwent an armed insurgency from 1996 - 2006. During a decade long conflict, human rights violations were committed by the state security forces as well as the warring Maoists. In order to address the human rights violations committed during the conflict period, the government established two transitional justice commissions, the Truth and Reconciliation Commission (TRC), and the Commission of Investigation on Enforced Disappeared Persons (CIEDP) in February 2015.

The 2014 TRC Act establishes the mandates of the TRC and the CIEDP. These commissions are mandated with investigating and revealing the truth about gross violations of human rights and crimes against humanity during the armed conflict. These commissions are thus expected to recommend legal action against the perpetrators, and reparation to the victims of those incidents.

Though the Government of Nepal established the TRC and CIEDP in 2015, neither commission is close to fulfilling its mandate. Despite concerns shown by victims, these commissions continue to proceed at a very slow pace. Over the past three years, the two commissions have received around 64,000 complaints of human rights violations committed during the conflict. But these commissions have not made public the progress in investigating and responding to these complaints.

After much pressure from within and outside the country, the government has made public a draft amendment to the Act on 21 June 2018, and called for recommendations from national and international organizations. The draft amendment comes in response to the Supreme Court rulings that the Transitional Justice Act (TJA) does not meet international standards. The TRC and CIEDP have failed to address victims' needs and made little progress.

The new draft has proposed a special court provision, and categorized conflict related crimes as "severe" and "others" crimes. Severe crimes include torture, rapes, extrajudicial killings and enforced disappearances. There will be no amnesty on severe crimes, and the statute of limitation to register cases against perpetrators has been removed, a key demand of victims.

The draft amendment has proposed reparation as rights of the victims, and establishes a community reparation, which has long been advocated for. This may open a door to address victims' livelihood, memorialization and reconciliation processes in communities. Reconciliation is only possible with the prior consent of victims, and protection of the victims and witnesses through respecting their right to truth, justice and reparation.

The proposed draft also proposes community service as an alternative to prison time for perpetrators. This is unacceptable, amounting to impunity, and instead there must be mandatory prosecution and punishment of perpetrators in line with domestic and international law.

Crimes like torture and enforced disappearances also remain undefined in the draft amendment, hinting that major offenders may get away easily. These are only some limitations in the proposed draft.

These commissions are already hampered by the lack of basic resources to accomplish such a database-building task. The manpower in these commissions have little to no experience and knowledge on how to handle human rights violations data and needs-assessments. Without significant involvement of the victims, national and international community, including the donors, the two commissions are not in a readily available position to fulfill tasks essential to designing a meaningful reparations program.

Understaffing is a major issue at the commissions, and instead of increasing the numbers, the government reduced the staff to about 50. The staff lack professionalism, and commitments of the commissioners have often been raised. The general lack of support from the government as well as national and international organizations has worsened the commissions' ability to perform.

There must be meaningful consultation with the victims. The government must demonstrate genuine willingness to establish an effective transitional justice process in compliance with decisions of Nepal's Supreme Court. Only a genuine consultative process could be at the core of any sincere transitional justice process.

In order to gain credibility, these commissions must ensure that international standards for protecting victims are respected, while addressing the calls for amendments to the TRC Act in accordance with the Supreme Court's 2015 verdict.

The ALRC respectfully requests the Council to remind the Government of Nepal that these commissions were governed by flawed legislation. The Government has an opportunity to correct flaws in the current Act and process; a new and improved Transitional Justice Act could open the door for a trustworthy official process to fairly investigate war crimes, disclose the truth, and provide full justice and reparations to marginalized victims.

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Human rights situations that require the Council's attention

Written statement* submitted by The Palestinian Return Centre Ltd, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

The Situation of Displaced Palestinian Families North of Syria

The six-year war in Syrian Arab Republic has taken a dramatic toll on the Palestinian community taking refuge in the embattled country, with more than 3,870 estimated deaths recorded among Palestinian refugees.

The war also resulted in the displacement of 280,000 Palestinians from their homes and shelters in the Syrian Arab Republic while 120,000 others have fled the country as they sought safe shelters.

Following the reconciliation deals which led to the mass exodus of civilians, activists, and journalists and the bloody hostilities, hundreds of families have been forcibly driven out of their camps. Scores of Palestinians have gone missing right after they opposed forced military conscription with pro-government battalions.

At a certain stage in the conflict, de-escalation zones in northern Syria have served as provisional shelters in which Palestinian families, fleeing such embattled areas as Khan Esheih Camp, Eastern Ghouta, Yarmouk Camp, and Daraa Camp, hid themselves into following a Russian-brokered deal.

Stopovers of Forced Deportation Journeys

According to data by Khayra Ummah Association, 1,292 displaced Palestinian families have sought shelter in northern Syria. The list includes:

*50 families in Afrin

*45 in Jindires

*36 in Afrin Suburbs

*380 in Deir Ballout

*56 in Maarat AlNu'man

*48 in Ariha

*62 in Akrebat

*25 in Maarat Mesrin and Kilali

*72 in Sarmada and AlDana

*205 in Atama

*239 in Idlib

*74 in unknown locations

The largest tide of mass deportation saw the day in Khan Eshieh Camp, located 27 kilometers southwest of Damascus, following a reconciliation deal struck between the Syrian government and the opposition outfits on November 28, 2016. On December 2, 2016, some 200 Palestinian families reached Idlib.

Another 120 families were forced out of their homes in Eastern Ghouta. Prior to the outbreak of the conflict, UNRWA figures indicated that 8,181 families, comprising an estimated 30,216 members, used to live in the Eastern Ghouta towns of Douma, Jober, and AlMaliha.

As many as 835 Palestinian families were hounded out of their homes following a deal sealed on April 29, 2018.

66 more Palestinian families from Daraa and AlQuneitra, south of Syria, have also sought shelter north of Syria in the aftermath of an agreement concluded in early July 2018.

Conditions Endured by Displaced Palestinian Families North of Syria

Most of the Palestinian refugee camps set up north of Syria have been run by the Turkish Disaster and Emergency Management Authority (AFAD). The Turkish Red Crescent and a number of charities have also worked together to assist the displaced families.

Nonetheless, the width of need and poverty has far outlived the charities' capacities to cope with it. Unemployment has hit its highest rate in the region at the same time as the families' increasing demands for financial resources have almost gone unheeded. The majority of relief institutions have gone inoperative due to funding crisis. The situation has gone from bad to worse due to the price leaps, steep rental fees, and the reluctance of such international bodies as the UN High Commissioner for Refugees to step in justified on the basis that Palestine refugees fall within the scope of UNRWA's mandate.

Upon more than one occasion, dozens of families who were forcibly deported from southern Damascus and Yarmouk Camp to Deir Ballout Camp, north of Syria, took down to the street, protesting their dire living conditions.

The displaced families continue to appeal to the concerned human rights bodies, most notably the United Nations, to take urgent action so as to secure their access to education and health care, among other vital services.

The families continue to sound alarm bells over the acute shortage in drinking water and the fallouts of poor hygiene infecting their camps.

Dozens of families have been crammed into poorly-equipped camps pitched by the Turkish authorities in AlBab city. With no properly arranged places to stay in, they must find a way to ensure shelter, food and drinking water in the intense, grueling heat wrought by the summer season.

Ongoing psychological pressure wrought by the dire situation might have contributed to the death of some Palestinians. On May 15, 2018, Palestinian refugee Mohanad Sakhnini died of a heart attack, with no first aid available to save his life. On May 17, 2018, Palestinian refugee Amer Aker was pronounced dead as a result of a heart attack as well. On May 23, 2018, refugee Abu Aziz AlShehabi drowned while trying to save a young man's life in a lake nearby.

UNRWA's Role

UNRWA has been providing relief services mainly in government-held zones. Families sheltered in opposition-led areas have been deprived of relief and in-kind items handed over by the agency.

On May 28, 2018 UNRWA issued a decision banning displaced Palestinians in Idlib and in flashpoints in Syria to receive their relatives' cash and in-kind aids. Hundreds of displaced families whose survival largely hinged on relief assistance have been left on their own.

Findings and Recommendations

Amid a deteriorating security situation in Syria, scores of Palestinian refugee families who have been forcibly deported to northern Syria have faced a calamitous humanitarian situation inflicted by food insecurity, poverty, and a precarious legal status, among other crises.

Despite these rights being protected by international laws and treaties, the displaced Palestinian refugees have been deprived of the physical, moral, and legal protection quite urgently needed at times of conflict.

The displaced families continue to voice deep concern over their fate, fearing an imminent military operation by the Syrian and Russian forces in an attempt to recapture de-escalation zones.

The international community and institutions, namely UNRWA, in its capacity as the UN agency in charge of the protection of Palestine refugees in its fields of operation, should take urgent action so as to secure the access of displaced families to basic humanitarian services and much-needed items.

UNRWA should make urgent initiatives so as to provide the Palestinians with the psycho-physical and legal protection they are in need of at such a critical stage.

All concerned human rights institutions should make serious steps to contribute to the welfare and protection of the displaced Palestinians, particularly, but not exclusively, in northern Syria.

As we strongly condemn the tide of violence rocking the Syrian territories and the Middle East, we call on the United Nations to live up to its humanitarian mission as regards the situation of displaced Palestinian refugees living in extremely miserable conditions that are not only unacceptable from a humanitarian point of view but also constitute a major threat to the stability and security of the entire region.

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Human rights situations that require the Council's attention

Written statement* submitted by the International Federation of Journalists, a non-governmental organization in special consultative status

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Please recycle

The International Federation of Journalists' Written Statement to the 39th Regular Session of the UN Human Rights Council on Somalia

The International Federation of Journalists and its Somalia affiliate, the National Union of Somali Journalists (NUSOJ) wish to draw the attention of the UN Human Rights Council about the all-out war to suppress the twin rights to freedom of expression and freedom of association in Somalia, and to appeal on the current session of the Council to send a clear message to Somalia's leaders that human rights violations – both past and ongoing – will not go unpunished.

During and after previous UN Human Rights Council sessions, attacks on journalists have been unrelenting. The IFJ and its affiliate NUSOJ have documented extensive violations of freedom of expression and freedom of association for the past 7 years. The authorities in Somaliland (the administration controlling northwest regions of Somalia) have intensified the attacks on media freedom since the start of the conflict about the disputed territory in Tukaraq with Puntland (regional state controlling north-eastern regions of Somalia), where 6 journalists have been arrested, more than 10 journalists forced into exile, two television networks had their licences withdrawn and one newspaper was banned. Four other journalists were arrested in separate incidents in Hargeisa and Borame.

On 26 July, journalist Abdirisaq Qasim Iman, a cameraman for privately owned Somali Broadcasting Services (SBS), was murdered in broad day light by a policeman, a sobering reminder of risks faced by journalists in Mogadishu. The suspected killer absconded from the crime scene and he has not been arrested for this cold blood killing. This is the most blatant case of security forces involved in a journalist's killing and covering up the crime to shield killers from accountability.

Notwithstanding public pledges to restore rule of law and independent justice system that people have faith in, personalities with records of human rights' violations against journalists and trade unions continue to hold positions of power and to curtail freedom of expression and freedom of association directly and indirectly, by deliberate and unwarranted attacks on the trade union. These include orchestrating abusive prosecutions of journalists for exercising their fundamental rights, inciting stalking by security forces of prominent press freedom defenders and manipulating independent media by allocating monthly payments to media houses, thus making critical and independent reporting almost non-existent.

In order to provide a rationale for the suppression of journalists' rights and trade union freedoms, the authorities are engaging in a deliberate drive of character assassination and smear campaign in Somalia with a view to discrediting, de-legitimising and destroying the outspoken and independent voices of journalists and trade union movement who brave oppressive forces within the Somali government and their accomplices by documenting and exposing human rights' violations, and seeking protection from international human rights mechanisms.

Impunity in Somalia is further reinforced by the brazen continuing failure to comply with directives of the UN's human rights mechanisms, in particular gross encroachment on - and contempt of - the decisions of the International Labour Organisation (ILO) concerning egregious violations of freedom of association and trade union rights, as well as the failure to address serious concerns by the UN's human rights special procedures, both privately and publicly, on weighty abuses of human rights against journalists and trade union movement, which were recently criticised by the European Parliament.

The IFJ and NUSOJ consider that the routine attacks of journalists and trade union activists through denying them the right and space to defend basic rights, inhibiting of freedom of association and demolishing of independent union organising & functioning, coupled with smear campaign and stigmatisation is tantamount to systematic repression of their rights and freedoms.

In light of the above concerns, IFJ and NUSOJ call on the UN Human Rights Council to urge the Somali Federal Government to:

1. Establish an independent judicial mechanism with a special counsel to investigate violations and abuses of human rights, particular attacks on journalists' safety, clampdown on freedom of association and violations of internation: human rights mechanism, to ensure all those responsible for human rights violations and abuses – including tnose holding positions in the Somali government now – are brought before this commission to determine the truth, renc . justice and end impunity;

2. Cease all hostile acts, both (irect and indirect, against independent journalists, critical media houses and free trade unions who express dissen ng opinions over the current situation of the country, including important severe human rights concerns, star.ing by breaking with the past human rights abuses;

3. Respect and preserve international human rights law and system, including International Labour Standards, by executing in good faith decisions such as those from the ILO and recommendations from UN human rights mandate holders by establishing a national system that embodies human rights culture so as to prevent further violations;

4. Ensure journalists and trade union activists can exercise their right to freedom of expression and association, and are able to carry out their peaceful work without fear of reprisal;